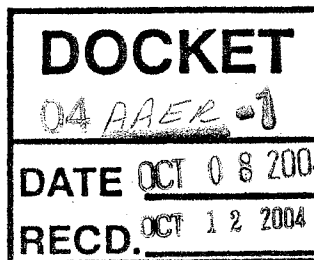


GAMA-An Association of Appliance & Equipment Manufacturers

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October 8, 2004



Docket No. 04-AAER-1
Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, CA 95814-5512

Docket No. 04-AAER-1: Comments of Gas Appliance Manufacturers Association

Dear Sir or Madam:

The Gas Appliance Manufacturers Association (GAMA) is a national trade association of manufacturers of residential, commercial and industrial space heating and water heating equipment and related components and accessories. GAMA appreciates the opportunity to comment on the proposed amendments to the California Energy Commission's (CEC) Title 20 Appliance Efficiency Regulations.

Sections 1606 and 1607 of the proposed amended regulations would prescribe mandatory information reporting and labeling requirements for products covered by the federal Energy Policy and Conservation Act (EPCA). These requirements are preempted by EPCA and accordingly have been declared invalid by the federal district court in Sacramento, which has permanently enjoined their enforcement. The CEC has appealed this decision to the federal Court of Appeals for the Ninth Circuit, which has scheduled oral arguments on the appeal for November 1, 2004.

Inasmuch as the district court's ruling that these provisions are invalid because of federal preemption under EPCA has not been overruled, we believe that the CEC is acting in contempt of court by asserting or suggesting to the public that these provisions are currently in force. Certainly, formal CEC re-adoption of these provisions on November 3, 2004, or thereafter, in advance of any decision by the appellate court, would constitute contempt of court. Sections 1606 and 1607, as well as any related provisions of Section 1608, should be modified to exclude EPCA-covered products.

Thank you again for the opportunity to comment.

Respectfully submitted,

Joseph M. Mattingly
Vice President, Secretary
and General Counsel

Product Divisions and Groups

Burner

Controls

Corrugated
Stainless Steel
Tubing Systems

Direct-Fired Heater

Direct Heating

Food Service
Equipment

Fuel Cell

Furnace

Gas Air
Conditioning

Gas Appliance
Connector

Gas Detector

Equipment
& Services

Gas Grill

Gas Venting
Products

General Products

Hydronics
Institute

Industrial Forced-
Air Heating

Infrared

Motor & Blower

Power
Generation

Relief Valve

Vent-Free Gas
Products

Water Heater